

REMARKS

Applicant appreciates the Interview granted by the Examiner and Supervisor Christopher Low on August 8, 2002. In accordance with the discussion in that interview, Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the following discussion.

After amending the claims as set forth above, claims 9, 1.1-14, 33-56, 59-64, and 68-76 are now pending in this application.

As was discussed in the Interview, claims 48 and 73 are amended to indicate that the polypeptide encoded by a portion of a specified open reading frame from bacteriophage 77 retains the target binding activity and inhibitory activity, respectively, of the full length polypeptide.

As was also discussed, the creation of nucleic acid sequences encoding such portions of a full-length polypeptide can be readily performed using standard molecular biological methods. In addition, as was also discussed, expression of the polypeptide portions, and testing of the encoded polypeptides for binding and/or inhibitory activity can be carried out in the same manner as described for the full length polypeptides. Thus, no undue experimentation is involved in practicing the claimed invention.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

No fee is believed due in connection with this communication. However, if any fee is due, kindly charge the appropriate amount to Deposit Account 50-0872.

Respectfully submitted,

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MARKED UP VERSIONS OF AMENDED CLAIMS SHOWING CHANGES MADE

Below are the marked up amended claim(s):

48. (Twice Amended) An isolated, purified, or enriched nucleic acid sequence at least 90 nucleotides in length, wherein said sequence encodes a portion at least 30 amino acids in length of a polypeptide encoded by a bacteriophage 77 open reading frame 17 (SEQ ID NO: 4), 19 (SEQ ID NO: 5), 43 (SEQ ID NO: 6), 102 (SEQ ID NO: 7), 104 (SEQ ID NO: 8), or 182 (SEQ ID NO: 9), wherein said portion binds to a bacterial polypeptide bound by a full-length polypeptide encoded by said open reading frame 17, 19, 43, 102, 104, or 182.

73. (Amended) An isolated, purified, or enriched nucleic acid sequence comprising a sequence at least 45 nucleotides in length that is at least 95% identical to at least a portion of a bacteriophage 77 open reading frame 17 (SEQ ID NO: 4), 19 (SEQ ID NO: 5), 43 (SEQ ID NO: 6), 102 (SEQ ID : 7), 104 (SEQ ID NO: 8), or 182 (SEQ ID NO: 9) sequence, wherein said nucleic acid sequence encodes a polypeptide which provides a bacteria-inhibiting function provided by a full-length polypeptide encoded by said open reading frame 17, 19, 43, 102, 104, or 182.